

U.S. Serial No. 09/533,842
Response to the Office action of August 26, 2004

Remarks

By way of the foregoing, claims 14-20 and 36-39 have been canceled without prejudice and claims 40-49 have been added. Accordingly, claims 1-13, 21-35, and 40-49 are pending and at issue in the above-identified patent application. Of the claims at issue, claims 1 and 29 are independent. By way of the foregoing, claims 1 and 29 have been amended. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Independent claims 1 and 29 recite, *inter alia*, apparatus for, or methods, of receiving broadcast content at a local device proximate a display on which the broadcast content including a broadcast advertisement is to be displayed to a recipient, generating a locally produced selection factor at the local device, wherein the locally produced selection factor corresponds to the recipient of the broadcast content and is based on information relating to the recipient, and adapting the broadcast content according to the locally produced selection factor. Claims 1 and 29 also recite adapting the broadcast content by replacing a portion of the broadcast advertisement with an advertising segment that is shorter than the length of the broadcast advertisement.

The Office action cited Shah-Nazaroff (US 6,671,880) against claims 1 and 29. However, the disclosure of Shah-Nazaroff is deficient. While Shah-Nazaroff is directed to customized commercial rendering, the disclosure of Shah-Nazaroff is restricted to selection of one of a number of complete commercials that are substituted into a timeframe reserved for those commercials and that matches the length of the commercials. Shah-Nazaroff does not disclose or suggest the desirability or possibility of replacing portions of advertisements with advertisement segments, as recited in claims 1 and 29. To the contrary, Shah-Nazaroff treats each commercial as whole that may be substituted. In particular, it is respectfully submitted that Shah-Nazaroff fails to disclose that an advertising segment shorter than the broadcast advertisement could or should be substituted into the broadcast advertisement.

Goldman (US2003/0135853) is also directed to inserting advertisements, but is focused on inserting advertisements into an information retrieval system display. It is respectfully submitted that, like Shah-Nazaroff, Goldman fails to disclose or suggest

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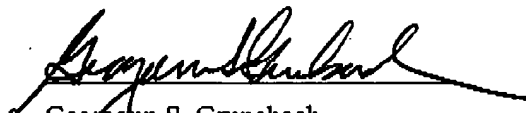
replacing a portion of a broadcast advertisement with an advertising segment based on a locally produced selection factor.

Because the claimed features are missing from both Shah-Nazaroff and Goldman, it is respectfully submitted that these references, either individually or in combination, do not render the pending claims unpatentable.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

Dated: October 26, 2004
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